



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



C. HEIDI GRETHNER  
DIRECTOR

March 8, 2019

CERTIFIED MAIL

The Honorable Marcus Muhammad  
Mayor of Benton Harbor  
200 East Wall Street  
Benton Harbor, Michigan 49022

Dear Mayor Muhammad:

SUBJECT: Administrative Consent Order (ACO); City of Benton Harbor;  
WSSN: 00600

Enclosed please find a fully executed ACO between the City of Benton Harbor and the Department of Environmental Quality (DEQ), Drinking Water and Municipal Assistance Division (DWMAD), regarding the water supply at the City of Benton Harbor. The compliance schedule in this ACO is meant to bring the water supply into compliance with the Michigan Safe Drinking Water Act, 1976 PA 399, as amended. The effective date of the ACO is March 5, 2019.

If you have any questions regarding the ACO, please contact me at 616-490-9590; lachancea1@michigan.gov; or DEQ, P.O. Box 30817, Lansing, Michigan 48909-8311.

Sincerely,

Amy Lachance  
Assistant Division Director  
Drinking Water and Municipal Assistance  
Division

Enclosure

cc: Mr. Darwin Watson, City of Benton Harbor  
Mr. Eric J. Oswald, DEQ  
Mr. Brian Thurston, DEQ  
Mr. Mike Bolf, DEQ  
Mr. Ernie Sarkipato, DEQ  
Mr. Dave Willard, DEQ

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
DRINKING WATER AND MUNICIPAL ASSISTANCE DIVISION

ADMINISTRATIVE CONSENT ORDER

In the matter of:

DWMAD Order No. ACO-399-07 -2019

SECTION I

FACILITY OWNER/OPERATOR

NAME City of Benton Harbor		OWNER <input checked="" type="checkbox"/>	OPERATOR <input type="checkbox"/>
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS BUSINESS IDENTIFICATION NUMBER			
ADDRESS 200 East Wall Street			
CITY Benton Harbor	STATE Michigan	ZIP CODE 49022	
CONTACT NAME/TITLE Darwin Watson, City Manager		PHONE # 269-927-8408	

FACILITY NAME AND LOCATION

FACILITY NAME Benton Harbor Public Water Supply		WATER SUPPLY SERIAL NUMBER 00600
FACILITY OWNER IF NOT IDENTIFIED ABOVE City of Benton Harbor		
ADDRESS 200 East Wall Street		
CITY Benton Harbor	STATE Michigan	ZIP CODE 49022
COUNTY Berrien		
CONTACT NAME Darwin Watson		PHONE # 269-927-8408

- 1.1 This document results from allegations by the Department of Environmental Quality (DEQ), Drinking Water and Municipal Assistance Division (DWMAD). The DEQ alleges that the City of Benton Harbor, owner/operator of the city's public water supply, is in violation of the Safe Drinking Water Act, 1976 PA 399, as amended (Act 399), and the administrative rules promulgated thereunder.
- 1.2 Specific violations are referenced in the DEQ Significant Deficiency Violation Notice (SDVN) attached to this Administrative Consent Order (Consent Order) as Exhibit A. The Owner/Operator and the DEQ agree to resolve the violations set forth therein through entry of this Consent Order. The Owner/Operator agrees to resolve all compliance issues set forth in Exhibit A in accordance with the requirements contained in this Consent Order. This Consent Order, in its entirety, shall consist of Section I, the attached Sections II, III, and IV, Exhibit A, and any other referenced attachments, exhibits, or appendices. This Consent Order shall be considered null and void if it does not include, at a minimum, Sections I, II, III, and IV and Exhibit A. The Owner/Operator further agrees that this Consent Order shall become effective on the date it is signed by the DWMAD Director, designee of the DEQ Director.

- 1.3 The Owner/Operator agrees to pay a civil fine of \$500 per day for failure to complete corrective actions as specified in Section II, Compliance Schedule, unless an extension has been approved under Section 4.14. Failure to make a timely payment constitutes a violation of this Consent Order.
- 1.4 The Owner/Operator agrees to make payment of all funds due pursuant to this agreement by certified check made payable to the "State of Michigan" and mailed to the Accounting Services Division, Cashier's Office for the DEQ, P.O. Box 30657, Lansing, Michigan 48909-8157. To ensure proper credit, all payments made pursuant to this Consent Order must include "Payment Identification Number RMD90044" on the check. The Owner/Operator agrees not to contest the legality of the civil fine.

Signatories

DEPARTMENT OF ENVIRONMENTAL QUALITY




Eric Oswald, Director  
Drinking Water and Municipal Assistance Division

5-mar-19

Date

I undersigned CERTIFY that I am fully authorized by the party identified above to enter into this Consent Order to comply by consent and to EXECUTE and LEGALLY BIND that party to it. I further attest that all information provided herein is accurate and true.

CITY OF BENTON HARBOR



Marcus Muhammad, Mayor

2/25/2019

Date



## SECTION II - COMPLIANCE SCHEDULE

IT IS THEREFORE AGREED AND ORDERED THAT the Owner/Operator shall take the following actions to prevent further violations of Act 399 and the administrative rules promulgated thereunder and/or to correct the significant deficiencies identified in the SDVN attached to this Consent Order as Exhibit A.

- 2.1 Submit to the DWMAD a completed rate study from a qualified professional consultant, along with a plan to implement rate increases as recommended by the study, no later than April 1, 2019.
- 2.2 Upgrade the water plant supervisory and data acquisition (SCADA) system to allow for storage and easy access to required regulatory data including turbidity and chlorine, alarming for regulatory minimum levels, and potentially automation of some water plant operations, no later than April 1, 2019.
- 2.3 Install metering capabilities on the finished water no later than April 1, 2019.
- 2.4 Make necessary improvements to the water treatment facility in order to have a functioning and reliable continuous chlorine analyzer on the finished water tap no later than April 1, 2019.
- 2.5 Obtain an adequately licensed operator in charge, solely dedicated to the water distribution system, no later than April 1, 2019.
- 2.6 Submit a proposal for optimal corrosion control treatment or a corrosion control study to the DWMAD no later than April 31, 2019.
- 2.7 Submit to the DWMAD an implementation plan for a consistent and equitable rate collection program to minimize the number of unpaid bills and streamline the collections process, no later than May 1, 2019.
- 2.8 Submit an updated cross connection program for DWMAD approval, incorporating the City's plan for implementing control of residential accounts, and for obtaining adequate personnel to implement the City's cross connection control program, no later than June 1, 2019.
- 2.9 Install necessary modifications at the water treatment plant to inject coagulant chemical at a DWMAD-approved rapid mix location, and develop a standard operating procedure for feeding coagulant, no later than June 1, 2019.
- 2.10 Submit a plan to the DWMAD for inventorying and ongoing maintenance of distribution valves and hydrants, no later than June 1, 2019.
- 2.11 Conduct professional inspection of the elevated tank interior and exterior no later than June 30, 2019.
- 2.12 Install working mussel control system at the intake no later than June 30, 2019.
- 2.13 Repair filter to waste valves no later than January 1, 2020.

Sections III and IV of this Consent Order shall not be altered in any way, including adding or eliminating any language, striking terms or parts of terms, retyping in whole or in part, or using a different format. Any changes to this document without written approval from the DEQ renders the Consent Order null and void.

### SECTION III - STIPULATIONS

The Owner/Operator and the DEQ stipulate as follows:

- 3.1 The DEQ is authorized to enter this Consent Order requiring the Owner/Operator to comply with state law under Section 15 of Act 399.
- 3.2 The Owner/Operator consents to the issuance and entry of this Consent Order and stipulates that the entry of this Consent Order constitutes a final order of the DEQ and is enforceable as such under the appropriate provisions of state law identified in this Consent Order. The Owner/Operator agrees not to contest the issuance of this Consent Order and that the resolution of this matter by the entry of this Consent Order is appropriate and acceptable.
- 3.3 The Owner/Operator and the DEQ agree that the signing of this Consent Order is for settlement purposes only and does not constitute an admission by the Owner/Operator that the law has been violated.
- 3.4 The Signatory to this Consent Order on behalf of the Owner/Operator agrees and attests that he/she is fully authorized to ensure that the Owner/Operator will comply with all requirements under this Consent Order.
- 3.5 The Owner/Operator shall achieve compliance with the aforementioned regulations in accordance with the requirements contained in Section II of this Consent Order.

### SECTION IV - GENERAL PROVISIONS

The Owner/Operator and the DEQ further stipulate as follows:

- 4.1 With respect to any violations not specifically addressed and resolved by this Consent Order, the DEQ reserves the right to pursue any other remedies to which it is entitled for any failure on the part of the Owner/Operator to comply with the requirements of Act 399 and the administrative rules promulgated thereunder.
- 4.2 The DEQ and the Owner/Operator consent to enforcement of this Consent Order in the same manner and by the same procedures for all final orders entered pursuant to the provisions of Act 399.
- 4.3 This Consent Order in no way affects the Owner/Operator's responsibility to comply with any other applicable local, state, or federal laws or regulations.
- 4.4 The DEQ reserves its right to pursue appropriate action, including injunctive relief to enforce the provisions of this Consent Order, and applicable statutory fines for any violation of this Consent Order.
- 4.5 Nothing in this Consent Order is or shall be considered to affect any liability the Owner/Operator may have for natural resource damages caused by the



Owner/Operator's acts or omissions at the facility. The State of Michigan does not waive any rights to bring an appropriate action to recover such damages to the natural resources.

- 4.6 In the event the Owner/Operator sells or transfers the facility, he/she shall advise any purchaser or transferee of the existence of this Consent Order in connection with such sale or transfer. Within 30 calendar days, the Owner/Operator shall also notify the DWMAD Engineering Unit, in writing, of such sale or transfer, the identity and address of any purchaser or transferee, and confirm the fact that notice of this Consent Order has been given to the purchaser and/or transferee. The purchaser and/or transferee of this Consent Order must agree, in writing, to assume all of the obligations of this Consent Order. A copy of that agreement shall be submitted to the DWMAD Engineering Unit within 30 days of assuming the obligations of this Consent Order.
- 4.7 The provisions of this Consent Order shall apply to and be binding upon the parties to this action and their successors and assigns.
- 4.8 This Consent Order constitutes a civil settlement and satisfaction as to the resolution of the violations specifically addressed herein; however, it does not resolve any criminal action that may result from these same violations.

#### Reporting

- 4.9 The Owner/Operator shall make all submittals and written notifications required by this Consent Order, to the DWMAD Engineering Unit, DEQ, Grand Rapids District Office, 350 Ottawa Avenue NW, Unit 10, Grand Rapids, Michigan 49503. The cover letter with each submittal or notification shall identify the specific paragraph and requirement of this Consent Order that the submittal or notification is intended to satisfy.
- 4.10 The Owner/Operator shall verbally report any violation(s) of the terms and conditions of this Consent Order to the DWMAD Engineering Unit Supervisor at 231-590-3430 by no later than the close of the next business day following detection of such violation(s) and shall follow such notification with submittal of a written report within five business days following detection of such violation(s). The written report shall include a detailed description of the violation(s), as well as a description of any actions proposed or taken to correct the violation(s). The Owner/Operator shall report any anticipated violation(s) of this Consent Order to the above-referenced individual in advance of the relevant deadlines whenever possible.

#### Retention of Records

- 4.11 Upon request by an authorized representative of the DEQ, the Owner/Operator shall make available to the DEQ all records, plans, logs, and other documents required to be maintained under this Consent Order or pursuant to applicable laws or rules. All such documents shall be retained by the Owner/Operator for at least a period of three years from the date of generation of the record unless a longer period of record retention is required by the applicable law or its rules.

#### Right of Entry

- 4.12 The Owner/Operator shall allow any authorized representative or contractor of the DEQ, upon presentation of proper credentials, to enter upon the premises of the facility at all

reasonable times for the purpose of monitoring compliance with the provisions of this Consent Order. This paragraph in no way limits the authority of the DEQ to conduct tests and inspections pursuant to Act 399 and the administrative rules promulgated thereunder or any other applicable statutory provision.

#### DEQ Approval of Submittals

- 4.13 For any work plan, proposal, or other document, excluding applications for permits or licenses, that are required by this Consent Order to be submitted to the DEQ by the Owner/Operator, the following process and terms of approval shall apply:
- a. All work plans, proposals, and other documents required to be submitted by this Consent Order shall include all of the information required by the applicable statute and/or rule and all of the information required by the applicable paragraph(s) of this Consent Order.
  - b. In the event the DEQ disapproves a work plan, proposal, or other document, it will notify the Owner/Operator, in writing, specifying the reasons for such disapproval. The Owner/Operator shall submit, within 30 days of receipt of such disapproval, a revised work plan, proposal, or other document that adequately addresses the reasons for the DEQ's disapproval. If the revised work plan, proposal, or other document is still not acceptable to the DEQ, the DEQ will notify the Owner/Operator, in writing, of this disapproval.
  - c. In the event the DEQ approves with specific modifications, a work plan, proposal, or other document, it will notify the Owner/Operator, in writing, specifying the modifications required to be made to such work plan, proposal, or other document prior to its implementation and the specific reasons for such modifications. The DEQ may require the Owner/Operator to submit, prior to implementation and within 30 days of receipt of such approval with specific modifications, a revised work plan, proposal, or other document that adequately addresses such modifications. If the revised work plan, proposal, or other document is still not acceptable to the DEQ, the DEQ will notify the Owner/Operator, in writing, of this disapproval.
  - d. Upon DEQ approval, or approval with modifications, of a work plan, proposal, or other document, such work plan, proposal, or other document shall be incorporated by reference into this Consent Order and shall be enforceable in accordance with the provisions of this Consent Order.
  - e. Failure by the Owner/Operator to submit an approvable work plan, proposal, or other document, within the applicable time periods specified above, constitutes a violation of this Consent Order and shall subject the Owner/Operator to the enforcement provisions of this Consent Order.
  - f. Any delays caused by the Owner/Operator's failure to submit an approvable work plan, proposal, or other document when due shall in no way affect or alter the Owner/Operator's responsibility to comply with any other deadline(s) specified in this Consent Order.
  - g. No informal advice, guidance, suggestions, or comments by the DEQ regarding reports, work plans, plans, specifications, schedules, or any other writing submitted



by the Owner/Operator will be construed as relieving the Owner/Operator of his/her obligation to obtain written approval, if and when required by this Consent Order.

#### Extensions

- 4.14 The Owner/Operator and the DEQ agree that the DEQ may grant the Owner/Operator a reasonable extension of the specified deadlines set forth in this Consent Order. Any extension shall be preceded by a written request to the DWMAD Engineering Unit no later than ten business days prior to the pertinent deadline and shall include:
- a. Identification of the specific deadline(s) of this Consent Order that will not be met.
  - b. A detailed description of the circumstances that will prevent the Owner/Operator from meeting the deadline(s).
  - c. A description of the measures the Owner/Operator has taken and/or intends to take to meet the required deadline(s).
  - d. The length of the extension requested and the specific date on which the obligation will be met.

No change or modification to this Consent Order shall be valid unless in writing from the DEQ and, if applicable, signed by both parties.

#### Termination

- 4.15 This Consent Order shall remain in full force and effect until terminated by a written Termination Notice (TN) issued by the DEQ. Prior to issuance of a written TN, the Owner/Operator shall submit a request consisting of a written certification that the Owner/Operator has fully complied with the requirements of this Consent Order and has made payment of any fines required in this Consent Order. Specifically, this certification shall include:
- a. The date of compliance with each provision of the compliance program in Section II of this Consent Order, and the date any fines or penalties were paid.
  - b. A statement that all required information has been reported to the DWMAD Engineering Unit.
  - c. Confirmation that all records required to be maintained pursuant to this Consent Order are being maintained at the facility.

The DEQ may also request additional relevant information. The DEQ shall not unreasonably withhold issuance of a TN.



Exhibit A  
Administrative Consent Order

Enforcement Type

Significant Deficiency Violation Notice

Issue Date

October 3, 2018



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GRAND RAPIDS DISTRICT OFFICE



C. HEIDI GRETHUR  
DIRECTOR

October 3, 2018

CERTIFIED MAIL

Mr. Marcus Muhammad, Mayor  
Mr. Darwin Watson, City Manager  
City of Benton Harbor  
200 Wall Street  
Benton Harbor, MI 49022

**SIGNIFICANT DEFICIENCY VIOLATION NOTICE**  
WSSN: 00600

Dear Sirs:

**SUBJECT:** City of Benton Harbor (City) - Water System Sanitary Survey and Significant Deficiency Violation Notice -- Financial and Managerial Capacity

This letter will confirm meetings with Benton Harbor staff on multiple dates in 2017 and 2018; representing the Department of Environmental Quality (DEQ), Drinking Water and Municipal Assistance Division (DWMAD), and summarize the subsequent review and discussion of the water supply facilities serving the City of Benton Harbor (City). The purpose of these meetings and subsequent review is to evaluate the water system with respect to the requirements of the Michigan Safe Drinking Water Act, 1976 PA 399, as amended (Act 399). Findings from the survey, listed below, have led to the determination the water supply currently lacks the financial and managerial capacity to meet all the requirements of Act 399. Findings of significant deficiency have been identified as having the potential to introduce contamination to the public water supply and must be addressed within 120 days or be outlined in a corrective action plan and schedule approved by this office.

Since the previous sanitary survey in 2015, staff at the City of Benton Harbor have made significant efforts to maintain and improve the historically neglected water system. The distribution pipe network alone represents \$124 million in replacement value, according to the 2017 asset management program by Abonmarche. Along with the City's complex treatment plant, this represents a significant challenge for the City in terms of maintenance costs. Proper care and maintenance of the system is necessary to protect the health of all customers.

The major findings below indicate a number of areas needing immediate attention by the City, many of which have the potential to impact public health by allowing or introducing contamination to the water supply. Of utmost importance, a review of financial information finds the City presently lacks an adequate financial mechanism to conduct necessary improvements or hire necessary staff to properly maintain and operate the water system. We strongly advise the City to work with a qualified financial consultant to identify the revenue necessary to support operation and maintenance and to implement effective revenue collection methodologies. Investment from the City's rate payers is essential for resolving the below (significant) deficiencies and for ensuring the long term vitality of the water system assets.



The following table summarizes our findings from our survey of the water system:

Survey Element	Findings
Source	Deficiencies Identified
Treatment	Significant Deficiencies Identified
Distribution System	Significant Deficiencies Identified
Finished Water Storage	Deficiencies Identified
Pumps	Recommendations made
Monitoring & Reporting	Significant Deficiencies Identified
Management & Operations	Significant Deficiencies Identified
Operator Compliance	Recommendations made
Security	No Deficiencies or Recommendations
Financial	Significant Deficiencies Identified
Other	Significant Deficiencies Identified

The following significant deficiencies are violations of Act 399 with the potential to allow or introduce contamination to the public water supply, and must either be resolved within 120 days or be included in an approved corrective action plan.

- D1. Our review included the City's asset management program, submitted in December 2017, as well as the bill payment and collections process. Current revenues are not sufficient to cover capital improvement costs, and necessary improvements identified in this survey are likely to increase operations and maintenance costs beyond the current revenues. In addition, the current water bill collection process is inadequate and creates a significant drain on staff resources and time, which would be better spent towards resolution of significant deficiencies and performance of routine maintenance activities. In order to maintain the required financial capacity to operate a public water supply, the City must:
- Conduct a rate study with a qualified professional consultant, and implement findings to generate sufficient revenue to cover costs.
  - Implement a consistent and equitable program to minimize the number of unpaid bills, and streamline the collections process.
- D2. An increasing trend in the number of violations of Act 399 in the past year indicates the need for increased managerial oversight of the water supply. In addition, maintenance of the water plant and distribution system components is severely lacking. The lack of separate designated distribution and plant managers prevents staff from spending adequate time and energy on managing the water system. In order to maintain the managerial capacity to operate the public water supply and meet the requirements of Act 399, the City must hire separate certified operators to oversee the distribution system and the water treatment facility.

D3.R 325.11008 (2) requires a sufficient primary coagulant dose shall be added to create a settleable or filterable floc at all times. Currently the City adds coagulant to an injection point in the raw water influent pipe rather than the engineered rapid mix basins in the new plate settler building. It has become apparent, through a near violation of turbidity standards in February of 2018, as well as an ongoing treatment technique violation of R 325.10610c, this coagulation practice is not acceptable to meet the requirements of Act 399. Lack of proper mixing also impacts the pathogen removal credit awarded to properly operated conventional treatment facilities. **Adequate rapid mix for the primary coagulant must be installed.**

The current raw water pH of Lake Michigan is above the optimum operating range of the City's current coagulant, aluminum sulfate. At these elevated pH ranges, iron based coagulants, such as ferric sulfate or ferrous sulfate may be more suited for creating a settleable or filterable floc. The City should hire a consultant to explore the steps necessary to explore a switch of the primary coagulant.

D4.R 325.10720 (3) requires continuous monitoring for residual disinfectant at an entry point to the distribution system (EPTD) on a continual basis, and requires the minimum to be recorded for each day. The chlorine analyzer at the City's EPTD was reading less than 0.2 mg/L, the minimum required residual under R325.10611a(2)(b). The readings were identified as unreliable by the operator, and are not recorded as required above. Moreover, plant staff were not familiar with the operational setpoints necessary to achieve sufficient disinfection. **Accurate chlorine analyzer must be in place, minimum levels recorded daily and reported to the DEQ, and connected to SCADA with callout alarms in the event of low residual.**

D5.R 325.11404 requires a water supply to develop a comprehensive control program for the elimination and prevention of all cross connections. The program must include education, inspection, preventer testing in all customer sectors including residential. In addition, an annual report summarizing activities must be submitted to the DEQ. The City has insufficient staff to conduct any activities for the last few years, as evidenced by the lack of annual reporting. **The City must dedicate a trained staff person to implement this program or obtain a contract with a qualified professional company to implement the program.**

D6.R325.11108 requires a water supply to have sufficient valves in the distribution system to minimize interruptions in service and minimize sanitary hazards during construction or repairs. In addition, R 325.11111 requires adequate records be maintained on the distribution system components including hydrants and valves. The City has struggled to conduct necessary inventory and maintenance on valves in the system. **A plan for valve inventory and maintenance must be submitted, approved and implemented consistently.**

D7.R 325.11105 requires a water supply distribution system to maintain a minimum pressure of 20psi throughout the system during emergencies such as firefighting, and allows the department to prohibit installation of fire hydrants in areas where fire flow is not sufficient. From our discussion with staff and through the hydrant flow testing activities conducted during the reliability study, a number of hydrants in town have no flow or zero flow. This may be related to closed valves in the system, which significantly impacts public safety should an emergency occur. **A plan for hydrant inventory and maintenance must be submitted,**



approved and implemented consistently.

D8. The water plant's supervisory control and data acquisition (SCADA) system is in need of upgrades to achieve the following requirements:

- a. Storage and access to regulatory data such as EPTD chlorine residuals (R 325.10720), plant flow, and individual filter turbidity profiles (R10720a).
- b. Alarming capabilities to call out during unstaffed hours for low chlorine residual, low tower level, high turbidity at the filter confluence point and other undesirable conditions.
- c. Automation of water plant operations may be enhanced to allow staff to focus on maintenance activities.

The following deficiencies are also violations of Act 399, and must be resolved to return to compliance with Act 399.

D9. Install finished water meters at the water plant to facilitate accurate calculations and reporting of chemical treatment, calculation of non-revenue water, and more accurate calculation of CT.

D10. Significant amounts of unlined cast iron water main are in need of replacement. With funding in place, the City must prioritize replacement of old water main that is unreliable and undersized.

D11. The monthly operating report must accurately reflect the data collected at the water plant. For example, treated water has been estimated using raw water meters, and chlorine at the plant tap should be the minimum recorded for the day from the EPTD continuous analyzer as opposed to bench top analysis.

D12. Conduct a professional inspection on the elevated tank, including necessary maintenance and cleaning. This may be facilitated by installing variable frequency drive(s) on high service pumps, which would allow operating on pressure rather than on tower level.

If you have any information you would like us to consider regarding the significant deficiencies identified in this Significant Deficiency Violation Notice, please provide it in a written response by November 2, 2018.

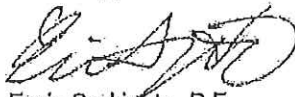
Representatives from the City and DEQ met on September 14, 2018 to discuss preliminary findings of the sanitary survey, and to begin discussion of a corrective action plan such as an administrative consent order (ACO), to return to compliance. It is understood that a significant amount of time will be required to address many of these issues. Therefore, we recognize that this ACO contains a schedule, which is both systematic and flexible, to bring the City back into compliance with the SDWA and providing a safe and reliable source of drinking water to its residents. Upon hearing from the City of its desire to move forward with an ACO, we will forward a draft ACO for the City's review and comment. At that time, DEQ staff will be available to meet with City officials to discuss the ACO in an attempt to execute it prior to the 120 day deadline.

Mr. Marcus Muhammad, Mayor  
Mr. Darwin Watson, City Manager  
Page 5  
October 3, 2018

A reliable supply of quality drinking water is critical to the growth and strength of any community. We are committed to working with the City to improve the water distribution system and treatment plant. With a strong commitment and swift effort from the City, we believe these deficiencies can be resolved and lead to long term water system sustainability.

We anticipate and appreciate your cooperation in resolving this matter. If you have any questions regarding this Significant Deficiency Violation Notice, please contact me by telephone at 616-307-0261; by e-mail at [sarkipatoe@michigan.gov](mailto:sarkipatoe@michigan.gov); or DEQ-DWMAD, 350 Ottawa Avenue NW, Unit 10, Grand Rapids, Michigan 49506.

Sincerely,



Ernie Sarkipato, P.E.,  
Surface Water Treatment Specialist  
Drinking Water and Municipal Assistance Division

Enclosure

cc: Berrien County Health Department  
cc/enc: Mr. Mike O'Malley, Operator in Charge, City of Benton Harbor  
Mr. Eric Oswald, Director, DEQ (via email)  
Ms. Sue Maul, Enforcement Specialist, DEQ (via email)  
Mr. Jon Bloemker, Engineering Unit Supervisor, DEQ (via email)